

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

PLAINTIFF JOSEPH WARD, by his next  
Friend, et al.

Plaintiffs,

VS.

CECILE YOUNG, in her official capacity as Executive Commissioner of the Texas Health and Human Services Commission,

Defendant.

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CIVIL ACTION NO. 1:16-cv-00917-LY

## AMENDED SCHEDULING ORDER

This cause comes before the Court on Plaintiffs' Unopposed Motion to Modify their Expert Designation Deadline. The Court, after reviewing the motion and pleadings on file, and otherwise fully advised, is of the opinion that the Plaintiffs' motion is meritorious and should be granted. It is therefore ORDERED that Plaintiffs' deadline to designate testifying experts and serve on all parties the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) is moved to June 30, 2023. Defendant's objections to the reliability of Plaintiffs' experts' proposed testimony under Federal Rule of Evidence shall be filed no later than July 14, 2023, or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. All other dates in the Court's May 12, 2022 scheduling order remain the same.

It is therefore ORDERED that the following Scheduling Order replaces this Court's May 12, 2022 order:

1. All parties asserting claims for relief shall file and serve on all other parties their designation of testifying experts and shall serve on all other parties, but not file, the

materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **June 30, 2023**. Parties resisting claims for relief shall file and serve on all other parties their designations of testifying experts and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **July 31, 2023**. All designations of rebuttal experts shall be filed and served on all other parties not later than 14 days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties on or before **August 14, 2023**.

2. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **August 7, 2023**.
3. Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony. Plaintiff will submit its objections no later than **August 14, 2023** and Defendant shall submit its objections no later than **July 14, 2023**, or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**
4. The parties shall complete discovery on or before **September 29, 2023**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

5. All dispositive motions shall be filed and served on all parties on or before **October 30, 2023** and shall be limited to 35 pages. Responses shall be filed and served on all other parties on or before **November 20, 2023** and shall be limited to 35 pages. Any replies shall be filed and served on all other parties on or before **December 11, 2023** and shall be limited to 20 pages, but the Court need not wait for the reply before ruling on the motion.
6. The deadline for filing Rule 26(a)(3) disclosures is **February 13, 2024**.
7. The deadline for filing objections under Rule 26(a)(3) is **February 29, 2024**. Any objections not made will be deemed waived.
8. The case is set for final pretrial conference, in chambers, on **March 29, 2024 at 9:00 a.m.** and bench trial is set for the month of **April 2024**. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(f) – (g) regarding matters to be filed in advance of the pretrial conference.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2023.

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HONORABLE LEE YEAKEL  
UNITED STATES DISTRICT JUDGE